

1642

Appl. No. 10/683,535

Docket No. 58027-014000



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Application No.</b>	10/683,535	<b>Group Art Unit:</b>	1642
<b>Applicant(s):</b>	Judy Dering et al.	<b>Examiner:</b>	to be assigned
<b>Filing Date:</b>	October 10, 2003	<b>Docket No.</b>	58027-014000
<b>Title:</b>	CONSTRAINTS-BASED ANALYSIS OF GENE EXPRESSION DATA		
	<b>Customer No.</b>	33717	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF POWER OF ATTORNEY**

Dear Sir or Madam:

Enclosed please find the following executed documents.

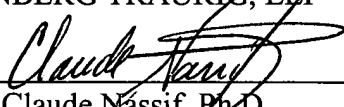
- Power of Attorney;
- Statement of Under 37 CFR 3.73(b); and
- Copy of Notice of Recordation of Assignment Document for Reel/Frame 014405/0192.

No fee is believed due. However, if the Applicant is mistaken, the Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number is referred to when charging any payments or credits for this case.

Respectfully submitted,

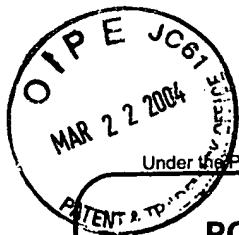
GREENBERG TRAURIG, LLP

By

  
Claude Nassif, Ph.D.  
Reg. No. 52,061  
Tel.: (310) 586-7828

Date March 17, 2004

Greenberg Traurig, LLP  
2450 Colorado Avenue, Suite 400  
Santa Monica, California 90404  
Telephone: 310-586-7700  
Facsimile: 310-586-7800



PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035  
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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/683,535
Filing Date	October 10, 2003
First Named Inventor	Judy Dering et al.
Title	Constraints-Based Analysis of Gene Expression Data
Art Unit	1642
Examiner Name	to be assigned
Attorney Docket Number	58027-014000

I hereby appoint:

☒ Practitioners associated with the Customer Number:

33717

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name				
Address				
Address				
City	State	Zip		
Country				
Telephone	Fax			

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

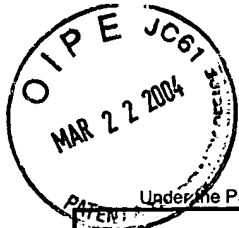
Name	Linda S. Stevenson		
Signature			
Date	February 3, 2004	Telephone	(510) 587-6000

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Judy Dering, Cindy S. Wilson, Dennis SlamonApplication No./Patent No.: 10/683,535 Filed/Issue Date: October 10, 2003Entitled: Constraints-Based Analysis of Gene Expression DataUniversity of California, a university

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A. [☒] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

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[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[☒] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

February 3, 2004

Date

(510) 587-6000

Telephone number

Linda S. Stevenson

Typed or printed name

Linda S. Stevenson

Signature

Manager, Patent Prosecution

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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\*700070469A\*

MARCH 11, 2004

PTAS

GREENBERG TRAURIG, LLP  
CLAUDE NASSIF  
2450 COLORADO AVENUE, SUITE 400 E  
SANTA MONICA, CA 90404

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/05/2004

REEL/FRAME: 014405/0192  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

DERING, JUDY

DOC DATE: 02/23/2004

## ASSIGNOR:

WILSON, CINDY A.

DOC DATE: 02/23/2004

## ASSIGNOR:

SLAMON, DENNIS

DOC DATE: 02/23/2004

## ASSIGNEE:

REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, THE

1111 FRANKLIN STREET, 12TH FLOOR  
OAKLAND, CALIFORNIA 94607-5200

SERIAL NUMBER: 10683535  
PATENT NUMBER:

FILING DATE: 10/10/2003  
ISSUE DATE:

014405/0192 PAGE 2

STEVEN POST, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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Form PTO-1595  
(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

Tab settings

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U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Judy Dering  
Cindy A. Wilson  
Dennis SlamonAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: 2-23-2004

## 2. Name and address of receiving party(ies)

Name: The Regents of The University of California

Internal Address: \_\_\_\_\_

Street Address: 1111 Franklin Street, 12th FloorCity: Oakland State: CA Zip: 94607-5200Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 10/683,535

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Claude Nassif, Ph.D.

Internal Address: \_\_\_\_\_

Street Address: Greenberg Traurig, LLP2460 Colorado Avenue, Suite 400 ECity: Santa Monica State: CA Zip: 904046. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41).....\$ 40.00

- ☐ Enclosed  
☒ Authorized to be charged to deposit account

## 8. Deposit account number:

50-2638

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## 9. Signature.

Claude Nassif, Ph.D., Reg. No. 62,061  
Name of Person Signing

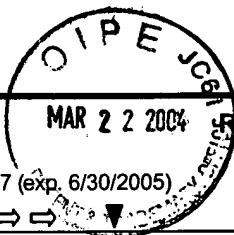
Signature

March 5, 2004

Date

Total number of pages including cover sheet, attachments, and documents: 5Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

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RECORDATION FORM COVER SHEET  
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U.S. DEPARTMENT OF COMMERCE  
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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Judy Dering  
Cindy A. Wilson  
Dennis Slamon

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: 2-23-2004

2. Name and address of receiving party(ies)

Name: The Regents of The University of California

Internal Address: \_\_\_\_\_

Street Address: 1111 Franklin Street, 12th Floor

City: Oakland State: CA Zip: 94607-5200

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 10/683,535

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Claude Nassif, Ph.D.

Internal Address: \_\_\_\_\_

Street Address: Greenberg Traurig, LLP

2450 Colorado Avenue, Suite 400 E

City: Santa Monica State: CA Zip: 90404

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:


50-2638

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9. Signature.

Claude Nassif, Ph.D., Reg. No. 52,061

Name of Person Signing

  
Signature

March 5, 2004

Date

Total number of pages including cover sheet, attachments, and documents: 5

### ASSIGNMENT

WHEREAS, we, JUDY DERING, 841 Rim Crest Circle, Westlake Village, California, 91361; CINDY A. WILSON, 1118 Tenth Street, Apartment 3, Santa Monica, California 90403; and DENNIS SLAMON, 23122 Calvert Street, Woodland Hills, California, 91367; the undersigned inventors and the ASSIGNORS herein, have invented CONSTRAINTS-BASED ANALYSIS OF GENE EXPRESSION DATA, for which we have filed a utility application for Letters Patent of the United States on October 10, 2003 as Application No. 10/683,535, and of which inventions and improvements we are the joint owners; and

WHEREAS, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a corporation organized and existing under the laws of California, having its statewide administrative offices located 1111 Franklin Street, Twelfth Floor, Oakland, CA 94607-5200, the ASSIGNEE herein, desires to acquire the entire right, title and interest in and to said inventions, applications and Letters Patent to be granted and issued thereon;

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) by the ASSIGNEE to us paid, and other valuable consideration, the receipt and legal sufficiency of all of which is hereby acknowledged, we, the said ASSIGNORS, have sold and do hereby sell, assign, transfer and set over unto said ASSIGNEE, its successors and assigns, the entire right, title and interest in and to said inventions and all improvements thereon, in and to said application for Letters Patent thereon, in and to applications pertaining to or based upon said inventions and applications, including divisional and continuing applications and continuations-in-part, and in and to any and all Letters Patent which may be granted and issued on said inventions and applications, or any of them, not only for, to and in the United States of America, its territories and possessions, but for, to and in all countries foreign thereto, together with and including all priority rights based upon any and all applications in the United States of America covered by this Assignment.

And for the above-named considerations, we do hereby agree that we will, at the request of said ASSIGNEE, execute any and all applications for Letters Patent for said inventions and any and all other papers and documents and do all other and further lawful acts that said ASSIGNEE may deem necessary or desirable to obtain Letters Patent on said inventions, to

secure the grant of such Letters Patent and to perfect and vest in the ASSIGNEE the entire right, title and interest in the inventions, applications and Letters Patent.

And for the above-named considerations, We do hereby authorize and empower the ASSIGNEE, its successors and assigns, to apply for and obtain, in its or their own names, Letters Patent for the said inventions before competent International Authorities and in any and all countries foreign to the United States in which applications for Letters Patent can be so made or Letters Patent so obtained.

Dated: January 8, 2004

Judy Dering  
JUDYDERING

STATE OF California )

)

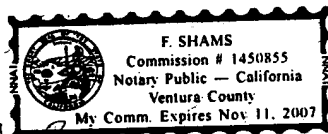
ss.: 359-48-7091

COUNTY OF Los Angeles )

)

The foregoing instrument was acknowledged before me this 8 day of January in the year ~~2004~~ by JUDY DERING, who is ☐ personally known to me or ☒ proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

NOTARY SEAL



Dated: 1/8

Notary: F. SHAMS

Print Name: FARIDEH SHAMS

Notary Public, State of Ca.

My commission expires: 11/11/07

Cindy Wilson  
CINDY A. WILSON

STATE OF California )

)

ss.: 531-80-2660

COUNTY OF Los Angeles )

)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ in the year **2003** by **CINDY A. WILSON**, who is ☐ personally known to me or ☐ proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**NOTARY SEAL**

**Notary:** \_\_\_\_\_  
**Print Name:** \_\_\_\_\_  
**Notary Public, State of** \_\_\_\_\_  
**My commission expires:** \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
**DENNIS SLAMON**

STATE OF California )

) ss.:

COUNTY OF Los Angeles )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ in the year **2003** by **DENNIS SLAMON**, who is ☐ personally known to me or ☐ proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**NOTARY SEAL**

**Notary:** \_\_\_\_\_  
**Print Name:** \_\_\_\_\_  
**Notary Public, State of** \_\_\_\_\_  
**My commission expires:** \_\_\_\_\_

ASSIGNMENT

U.C. Case No. 2003-523-1

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

1. Judy Dering

2. Cindy A. Wilson

3. Dennis Slamon

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 1111 Franklin Street, 12<sup>th</sup> Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

Constraints-Based Analysis of Gene Expression Data

and which is found in (select appropriate item)

- (a) \_\_\_\_\_ U.S. provisional application filed herewith and listing the above named persons as inventors
- (b) \_\_\_\_\_ Patent application filed herewith and listing the above named persons as inventors
- (c)  X  U.S. application no.  10/683,535 , filed  October 10, 2003
- (d) \_\_\_\_\_ U.S. Patent No.: \_\_\_\_\_, issued \_\_\_\_\_

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

Signature of Inventor(s)

\_\_\_\_\_ day of \_\_\_\_\_, 2004

Judy Dering \_\_\_\_\_

 23  day of  February  2004Cindy A. Wilson  Cindy Wilson  12  day of  February  2004Dennis Slamon  Dennis Slamon